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## SENATE BILL No. 358

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-36-1.5-2; IC 25-1; IC 25-20.5-1-1; IC 25-23.6; IC 25-33-1-1.1.

**Synopsis:** Alcohol and drug abuse counselor licensing. Reconstitutes an existing regulatory board as the social worker, marriage and family therapist, mental health counselor, and alcohol and drug abuse counselor board. Creates an alcohol and drug abuse counselor section of the board. Establishes permanent qualifications and grandfathering qualifications for licensed alcohol and drug abuse counselors and licensed clinical alcohol and drug abuse counselors. Exempts certain professions from the penalties for practicing alcohol and drug abuse counseling without a license. Prohibits the use of certain titles by unlicensed persons. Makes the unlicensed practice of alcohol and drug abuse counseling a Class A misdemeanor. Prohibits alcohol and drug abuse counselors from practicing hypnosis unless certified and from counseling for the purpose of recovering a memory. Makes conforming amendments.

**Effective:** July 1, 2004.

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**Miller**

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January 12, 2004, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 358

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-36-1.5-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. As used in this  
3 chapter, "mental health provider" means any of the following:

4 (1) A registered nurse or licensed practical nurse licensed under  
5 IC 25-23.

6 (2) A clinical social worker licensed under IC 25-23.6-5.

7 (3) A marriage and family therapist licensed under IC 25-23.6-8.

8 (4) A psychologist licensed under IC 25-33.

9 (5) A school psychologist licensed by the Indiana state board of  
10 education.

11 (6) **An alcohol and drug abuse counselor licensed under**  
12 **IC 25-23.6-12.**

13 (7) An individual who claims to be a mental health provider.

14 SECTION 2. IC 25-1-2-6, AS AMENDED BY P.L.145-2003,  
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2004]: Sec. 6. (a) As used in this section, "license" includes  
17 all occupational and professional licenses, registrations, permits, and



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certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.

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- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Manufactured home installer licensing board.
- (42) Home inspectors licensing board.
- (43) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 3. IC 25-1-4-0.3, AS ADDED BY P.L.269-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 0.3. As used in section 3 of this chapter, "board" means any of the following:

- (1) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (2) Indiana athletic trainers board (IC 25-5.1-2-1).
- (3) Board of chiropractic examiners (IC 25-10-1).
- (4) State board of dentistry (IC 25-14-1).
- (5) Indiana dietitians certification board (IC 25-14.5-2-1).
- (6) Indiana state board of health facility administrators (IC 25-19-1).
- (7) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (8) Indiana hypnotist committee (IC 25-20.5-1-7).
- (9) Medical licensing board of Indiana (IC 25-22.5-2).
- (10) Indiana state board of nursing (IC 25-23-1).
- (11) Occupational therapy committee (IC 25-23.5).
- (12) Social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** board (IC 25-23.6).
- (13) Indiana optometry board (IC 25-24).
- (14) Indiana board of pharmacy (IC 25-26).
- (15) Indiana physical therapy committee (IC 25-27-1).
- (16) Physician assistant committee (IC 25-27.5).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32).

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(19) State psychology board (IC 25-33).

(20) Respiratory care committee (IC 25-34.5).

(21) Speech-language pathology and audiology board  
(IC 25-35.6-2).

SECTION 4. IC 25-1-5-3, AS AMENDED BY P.L.24-1999,  
SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2004]: Sec. 3. (a) There is established the health professions  
bureau. The bureau shall perform all administrative functions, duties,  
and responsibilities assigned by law or rule to the executive director,  
secretary, or other statutory administrator of the following:

(1) Board of chiropractic examiners (IC 25-10-1).

(2) State board of dentistry (IC 25-14-1).

(3) Indiana state board of health facility administrators  
(IC 25-19-1).

(4) Medical licensing board of Indiana (IC 25-22.5-2).

(5) Indiana state board of nursing (IC 25-23-1).

(6) Indiana optometry board (IC 25-24).

(7) Indiana board of pharmacy (IC 25-26).

(8) Board of podiatric medicine (IC 25-29-2-1).

(9) Board of environmental health specialists (IC 25-32).

(10) Speech-language pathology and audiology board  
(IC 25-35.6-2).

(11) State psychology board (IC 25-33).

(12) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(13) Controlled substances advisory committee (IC 35-48-2-1).

(14) Committee of hearing aid dealer examiners (IC 25-20).

(15) Indiana physical therapy committee (IC 25-27).

(16) Respiratory care committee (IC 25-34.5).

(17) Occupational therapy committee (IC 25-23.5).

(18) Social worker, marriage and family therapist, ~~and~~ mental  
health counselor, **and alcohol and drug abuse counselor** board  
(IC 25-23.6).

(19) Physician assistant committee (IC 25-27.5).

(20) Indiana athletic trainers board (IC 25-5.1-2-1).

(21) Indiana dietitians certification board (IC 25-14.5-2-1).

(22) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) Nothing in this chapter may be construed to give the bureau  
policy making authority, which authority remains with each board.

SECTION 5. IC 25-1-5-10, AS ADDED BY P.L.211-2001,  
SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2004]: Sec. 10. (a) As used in this section, "provider" means  
an individual licensed, certified, registered, or permitted by any of the

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following:

- (1) Board of chiropractic examiners (IC 25-10-1).
  - (2) State board of dentistry (IC 25-14-1).
  - (3) Indiana state board of health facility administrators (IC 25-19-1).
  - (4) Medical licensing board of Indiana (IC 25-22.5-2).
  - (5) Indiana state board of nursing (IC 25-23-1).
  - (6) Indiana optometry board (IC 25-24).
  - (7) Indiana board of pharmacy (IC 25-26).
  - (8) Board of podiatric medicine (IC 25-29-2-1).
  - (9) Board of environmental health specialists (IC 25-32-1).
  - (10) Speech-language pathology and audiology board (IC 25-35.6-2).
  - (11) State psychology board (IC 25-33).
  - (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
  - (13) Indiana physical therapy committee (IC 25-27).
  - (14) Respiratory care committee (IC 25-34.5).
  - (15) Occupational therapy committee (IC 25-23.5).
  - (16) Social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** board (IC 25-23.6).
  - (17) Physician assistant committee (IC 25-27.5).
  - (18) Indiana athletic trainers board (IC 25-5.1-2-1).
  - (19) Indiana dietitians certification board (IC 25-14.5-2-1).
  - (20) Indiana hypnotist committee (IC 25-20.5-1-7).
- (b) The bureau shall create and maintain a provider profile for each provider described in subsection (a).
- (c) A provider profile must contain the following information:
- (1) The provider's name.
  - (2) The provider's license, certification, registration, or permit number.
  - (3) The provider's license, certification, registration, or permit type.
  - (4) The date the provider's license, certification, registration, or permit was issued.
  - (5) The date the provider's license, certification, registration, or permit expires.
  - (6) The current status of the provider's license, certification, registration, or permit.
  - (7) The provider's city and state of record.
  - (8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or

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1 committee described in subsection (a).

2 (d) The bureau shall make provider profiles available to the public.

3 (e) The computer gateway administered by the intelnet commission  
4 under IC 5-21-2 and known as accessIndiana shall make the  
5 information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7),  
6 and (c)(8) generally available to the public on the Internet.

7 (f) The bureau may adopt rules under IC 4-22-2 to implement this  
8 section.

9 SECTION 6. IC 25-1-7-1, AS AMENDED BY P.L.145-2003,  
10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2004]: Sec. 1. As used in this chapter:

12 "Board" means the appropriate agency listed in the definition of  
13 regulated occupation in this section.

14 "Director" refers to the director of the division of consumer  
15 protection.

16 "Division" refers to the division of consumer protection, office of  
17 the attorney general.

18 "Licensee" means a person who is:

19 (1) licensed, certified, or registered by a board listed in this  
20 section; and

21 (2) the subject of a complaint filed with the division.

22 "Person" means an individual, a partnership, a limited liability  
23 company, or a corporation.

24 "Regulated occupation" means an occupation in which a person is  
25 licensed, certified, or registered by one (1) of the following:

26 (1) Indiana board of accountancy (IC 25-2.1-2-1).

27 (2) Board of registration for architects and landscape architects  
28 (IC 25-4-1-2).

29 (3) Indiana auctioneer commission (IC 25-6.1-2-1).

30 (4) State board of barber examiners (IC 25-7-5-1).

31 (5) State boxing commission (IC 25-9-1).

32 (6) Board of chiropractic examiners (IC 25-10-1).

33 (7) State board of cosmetology examiners (IC 25-8-3-1).

34 (8) State board of dentistry (IC 25-14-1).

35 (9) State board of funeral and cemetery service (IC 25-15-9).

36 (10) State board of registration for professional engineers  
37 (IC 25-31-1-3).

38 (11) Indiana state board of health facility administrators  
39 (IC 25-19-1).

40 (12) Medical licensing board of Indiana (IC 25-22.5-2).

41 (13) Indiana state board of nursing (IC 25-23-1).

42 (14) Indiana optometry board (IC 25-24).

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- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) Any other occupational or professional agency created after June 30, 1981.

SECTION 7. IC 25-1-8-1, AS AMENDED BY P.L.145-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).

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- 1 (8) State board of dentistry (IC 25-14-1).
- 2 (9) State board of funeral and cemetery service (IC 25-15).
- 3 (10) State board of registration for professional engineers
- 4 (IC 25-31-1-3).
- 5 (11) Indiana state board of health facility administrators
- 6 (IC 25-19-1).
- 7 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 8 (13) Mining board (IC 22-10-1.5-2).
- 9 (14) Indiana state board of nursing (IC 25-23-1).
- 10 (15) Indiana optometry board (IC 25-24).
- 11 (16) Indiana board of pharmacy (IC 25-26).
- 12 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 13 (18) Board of environmental health specialists (IC 25-32-1).
- 14 (19) State psychology board (IC 25-33).
- 15 (20) Speech-language pathology and audiology board
- 16 (IC 25-35.6-2).
- 17 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 18 (22) Indiana board of veterinary medical examiners
- 19 (IC 15-5-1.1-3).
- 20 (23) Department of insurance (IC 27-1).
- 21 (24) State police department (IC 10-11-2-4), for purposes of
- 22 certifying polygraph examiners under IC 25-30-2.
- 23 (25) Department of natural resources for purposes of licensing
- 24 water well drillers under IC 25-39-3.
- 25 (26) Private detectives licensing board (IC 25-30-1-5.1).
- 26 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 27 (28) Social worker, marriage and family therapist, ~~and~~ mental
- 28 health counselor, **and alcohol and drug abuse counselor** board
- 29 (IC 25-23.6-2-1).
- 30 (29) Real estate appraiser licensure and certification board
- 31 (IC 25-34.1-8).
- 32 (30) State board of registration for land surveyors
- 33 (IC 25-21.5-2-1).
- 34 (31) Physician assistant committee (IC 25-27.5).
- 35 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 36 (33) Board of podiatric medicine (IC 25-29-2-1).
- 37 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 38 (35) Indiana physical therapy committee (IC 25-27).
- 39 (36) Manufactured home installer licensing board (IC 25-23.7).
- 40 (37) Home inspectors licensing board (IC 25-20.2-3-1).
- 41 (38) Any other occupational or professional agency created after
- 42 June 30, 1981.

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SECTION 8. IC 25-1-9-1, AS AMENDED BY P.L.24-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Indiana physical therapy committee (IC 25-27-1).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20.5-1-7).

SECTION 9. IC 25-20.5-1-1, AS AMENDED BY P.L.14-2002, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This chapter does not apply to the following:

- (1) A licensed dentist practicing dentistry under IC 25-14.
- (2) A licensed physician practicing medicine under IC 25-22.5.
- (3) A licensed osteopath practicing medicine under IC 25-22.5.
- (4) A licensed psychologist practicing psychology under IC 25-33.
- (5) A ~~certified~~ **licensed** social worker or clinical social worker practicing social work or clinical social work under IC 25-23.6.
- (6) A registered nurse licensed under IC 25-23.
- (7) A ~~certified~~ **licensed** marriage and family therapist practicing marriage and family therapy under IC 25-23.6.
- (8) An individual who teaches Lamaze prenatal and delivery

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relaxation techniques to pregnant women.

(9) A law enforcement officer who:

(A) is trained in hypnotism; and

(B) uses hypnosis only for law enforcement purposes.

(10) A licensed chiropractor practicing the science of chiropractic under IC 25-10.

(11) An individual who performs hypnotism exclusively for entertainment or amusement purposes at a theater, night club, or other place that offers entertainment to the public for consideration or promotional purposes.

**(12) A licensed alcohol and drug abuse counselor practicing alcohol or drug abuse counseling under IC 25-23.6.**

SECTION 10. IC 25-23.6-1-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.3. "Alcohol and drug abuse counselor" means an individual engaged in the practice of alcohol and drug abuse counseling.**

SECTION 11. IC 25-23.6-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. "Board" refers to the social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** board.

SECTION 12. IC 25-23.6-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 3.5. "Core functions of alcohol and drug abuse counseling" refers to the following functions performed by alcohol and drug abuse counselors in the rendering of services to abusers of alcohol and drugs:**

- (1) Screening.**
- (2) Intake.**
- (3) Orientation.**
- (4) Assessment.**
- (5) Treatment planning.**
- (6) Counseling.**
- (7) Case management.**
- (8) Crisis intervention.**
- (9) Client education.**
- (10) Referral.**
- (11) Reporting and record keeping.**
- (12) Consultation with other professionals.**

SECTION 13. IC 25-23.6-1-3.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3.8. Except as provided in IC 25-23.6-7-5, as used in this chapter, "counselor" refers to a social

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worker, a clinical social worker, **an alcohol and drug abuse counselor**, a marriage and family therapist, or a mental health counselor who is licensed under this article.

SECTION 14. IC 25-23.6-1-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 4.2. "Licensed alcohol and drug abuse counselor" means an individual licensed under IC 25-23.6-12 and engaged in the limited practice of alcohol and drug abuse counseling under the direct supervision of a licensed clinical alcohol and drug abuse counselor in a program certified by the division of mental health and addiction under IC 12-23.**

SECTION 15. IC 25-23.6-1-4.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 4.4. "Licensed clinical alcohol and drug abuse counselor" means an individual licensed under IC 25-23.6-12 and engaged in the unlimited practice of alcohol and drug abuse counseling.**

SECTION 16. IC 25-23.6-1-5.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 5.7. "Practice of alcohol and drug abuse counseling" means professional services that are designed to assist abusers of alcohol and drugs in gaining an understanding of the nature of their disorder and in leading a responsible lifestyle free from alcohol and drug abuse. The practice includes the following services:**

- (1) Using the core functions of alcohol and drug abuse counseling.
- (2) Providing counseling to family members to help them gain an understanding of the nature of alcohol and drug abuse.
- (3) Making referrals to other qualified professionals when appropriate.

SECTION 17. IC 25-23.6-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. The social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** board is established.

SECTION 18. IC 25-23.6-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The board consists of ~~nine (9)~~ **eleven (11)** members appointed by the governor for terms of three (3) years. The board must include the following:

- (1) Two (2) marriage and family therapists who:
  - (A) have at least a master's degree in marriage and family therapy or a related field from an institution of higher learning;

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- 1 (B) are licensed under this chapter; and  
 2 (C) have five (5) years of experience in marriage and family  
 3 therapy.  
 4 (2) One (1) social worker who:  
 5 (A) has at least a master's degree in social work from an  
 6 institution of higher education accredited by the Council on  
 7 Social Work Education;  
 8 (B) is licensed under this article; and  
 9 (C) has at least five (5) years of experience as a social worker.  
 10 (3) One (1) social services director of a hospital with a social  
 11 work degree who has at least three (3) years of experience in a  
 12 hospital setting.  
 13 (4) Two (2) mental health counselors who:  
 14 (A) have at least a master's degree in mental health  
 15 counseling;  
 16 (B) are licensed under this article; and  
 17 (C) have at least five (5) years experience as a mental health  
 18 counselor.  
 19 (5) Two (2) consumers who have never been credentialed under  
 20 this article.  
 21 (6) One (1) physician licensed under IC 25-22.5 who has training  
 22 in psychiatric medicine.  
 23 **(7) Two (2) clinical alcohol and drug abuse counselors who:**  
 24 **(A) are licensed under this article; and**  
 25 **(B) have at least five (5) years experience as clinical alcohol**  
 26 **and drug abuse counselors.**  
 27 (b) Not more than ~~five (5)~~ **six (6)** members of the board may be  
 28 from the same political party.  
 29 SECTION 19. IC 25-23.6-2-8, AS AMENDED BY P.L.269-2001,  
 30 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2004]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2  
 32 establishing standards for the following:  
 33 (1) The competent practice of marriage and family therapy, social  
 34 work, clinical social work, ~~and~~ mental health **counseling, and**  
 35 **alcohol and drug abuse** counseling.  
 36 (2) The renewal of licenses issued under this article.  
 37 (3) Standards for the administration of this article.  
 38 (4) Continuing education requirements for an individual seeking  
 39 renewal of licensure as a social worker, clinical social worker, or  
 40 marriage and family therapist.  
 41 (5) The retention of patient records and reports by a counselor.  
 42 (6) The approval of continuing education providers, programs,

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courses, fees, and proof of course completion.

(b) The board shall establish fees under IC 25-1-8-2.

(c) The board shall do the following:

(1) Consider the qualifications of individuals who apply for a license under this article.

(2) Provide for examinations required under this article.

(3) Subject to IC 25-1-8-6, renew licenses under this article.

(4) Conduct proceedings under IC 25-1-9.

SECTION 20. IC 25-23.6-2-10.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 10.6. (a) The alcohol and drug abuse counselor section of the board is established. The section consists of the following:**

**(1) Two (2) licensed clinical alcohol and drug abuse counselor members of the board.**

**(2) Two (2) consumer members of the board.**

**(3) One (1) physician member of the board.**

**(b) Three (3) members of the alcohol and drug abuse counselor section, two (2) of whom must be licensed clinical alcohol and drug abuse counselors, constitute a quorum.**

SECTION 21. IC 25-23.6-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. The social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** sections of the board shall do the following:

(1) Approve continuing education courses authorized under this article.

(2) Propose rules to the board concerning the practice of the profession regulated by each section.

(3) Other duties as directed by the board.

SECTION 22. IC 25-23.6-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

**Chapter 12. Alcohol and Drug Abuse Counselor Licensure**

**Sec. 1. The board shall, with the advice of the alcohol and drug abuse counselor section, establish standards for the practice of alcohol and drug abuse counseling, including privileges, penalties, and appropriate scope of practice within the field of alcohol and drug abuse counseling for individuals who are licensed as clinical alcohol and drug abuse counselors or alcohol and drug abuse counselors.**

**Sec. 2. (a) Except as provided in section 7 of this chapter, to**

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1 qualify for a clinical alcohol and drug abuse counselor license  
 2 under this article, an individual must satisfy the following  
 3 requirements:

4 (1) Complete an application for licensure in accordance with  
 5 the rules adopted by the board.

6 (2) Pay the fees established by the board.

7 (3) Not have been convicted of a crime that has a direct  
 8 bearing on the applicant's ability to practice competently as  
 9 determined by the board.

10 (4) Not have had disciplinary action taken against the  
 11 applicant or the applicant's license by the board or by a  
 12 licensing agency of another state or jurisdiction on grounds  
 13 that the applicant was unable to safely practice alcohol and  
 14 drug abuse counseling, if the grounds for discipline are still  
 15 valid as determined by the board.

16 (5) Show to the satisfaction of the board that the applicant  
 17 has:

18 (A) received at least a master's degree in alcohol and drug  
 19 abuse counseling, marriage and family therapy, pastoral  
 20 counseling, social work, applied human development,  
 21 psychology, or nursing from an:

22 (i) institution of higher learning with degree programs  
 23 acceptable to the board; or

24 (ii) educational institution not located in the United  
 25 States that has a program of study that meets the  
 26 standards of the board;

27 (B) passed nationally standardized written and oral  
 28 examinations in alcohol and drug abuse counseling  
 29 approved by the board;

30 (C) submitted documentation of six thousand (6,000) hours  
 31 of supervised alcohol and drug abuse counseling  
 32 experience in the five (5) years before the date of the  
 33 application, including at least one (1) year in the area of  
 34 alcohol abuse counseling or its equivalent and at least one  
 35 (1) year in the area of drug abuse counseling or its  
 36 equivalent;

37 (D) submitted documentation of the completion of at least  
 38 three hundred (300) hours of an approved supervised  
 39 practicum in alcohol and drug abuse counseling using the  
 40 core functions of alcohol and drug abuse counseling; and

41 (E) submitted documentation of the completion of at least  
 42 two hundred seventy (270) hours of formal training,

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including at least ninety (90) hours in each of the following areas:

- (i) Alcohol abuse.
- (ii) Drug abuse.
- (iii) Counseling.

(b) An individual who:

- (1) meets the requirements under subsection (a); and
- (2) has over five (5) years experience in alcohol and drug abuse counseling;

may be licensed as a clinical alcohol and drug abuse counselor under this chapter.

(c) An individual who:

- (1) meets the requirements under subsection (a); and
- (2) has less than five (5) years experience in alcohol and drug abuse counseling;

may only be licensed as a supervised clinical alcohol and drug abuse counselor.

Sec. 3. (a) Except as provided in section 7 of this chapter, to qualify for an alcohol and drug abuse counselor license under this article, an individual must satisfy the following requirements:

- (1) Complete an application for licensure in accordance with the rules adopted by the board.
- (2) Pay the fees established by the board.
- (3) Not have been convicted of a crime that has a direct bearing on the applicant's ability to practice competently as determined by the board.
- (4) Not have had disciplinary action taken against the applicant or the applicant's license by the board or by a licensing agency of another state or jurisdiction on grounds that the applicant was unable to safely practice alcohol and drug abuse counseling, if the grounds for discipline are still valid as determined by the board.

(5) Show to the satisfaction of the board that the applicant has:

(A) received at least a bachelor's degree in alcohol and drug abuse counseling, social work, applied human development, psychology, nursing, or other degree program acceptable to the board from an:

- (i) institution of higher learning with degree programs acceptable to the board; or
- (ii) educational institution not located in the United States that has a program of study that meets the

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- standards of the board;
- (B) passed nationally standardized written and oral examinations in alcohol and drug abuse counseling approved by the board;
- (C) submitted documentation of four thousand (4,000) hours of supervised counseling experience;
- (D) submitted documentation of the completion of at least one hundred eighty (180) hours of formal training in alcohol and drug abuse counseling; and
- (E) submitted documentation of the completion of at least two hundred twenty (220) hours of an approved supervised practicum in alcohol and drug abuse counseling using the core functions of alcohol and drug abuse counseling.
- (b) An individual who:
- (1) meets the requirements under subsection (a); and
- (2) has over five (5) years experience in alcohol and drug abuse counseling;
- may be licensed as an alcohol and drug abuse counselor under this chapter.
- (c) An individual who:
- (1) meets the requirements under subsection (a); and
- (2) has less than five (5) years experience in alcohol and drug abuse counseling;
- may only be licensed as a supervised alcohol and drug abuse counselor.
- Sec. 4. (a) An individual may not:
- (1) profess to be a licensed clinical alcohol and drug abuse counselor or a licensed alcohol and drug abuse counselor;
- (2) use the title:
- (A) "licensed clinical alcohol and drug abuse counselor";
- (B) "licensed alcohol and drug abuse counselor"; or
- (C) "clinical alcohol and drug abuse counselor";
- (3) use any other title containing the words "licensed clinical alcohol and drug abuse counselor" or "licensed alcohol and drug abuse counselor";
- (4) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed clinical alcohol and drug abuse counselor or licensed alcohol and drug abuse counselor; or
- (5) practice as a licensed clinical alcohol and drug abuse counselor or licensed alcohol and drug abuse counselor;
- unless the individual is licensed under this article as a clinical

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1 alcohol and drug abuse counselor or an alcohol and drug abuse  
2 counselor.

3 (b) This chapter does not apply to alcohol and drug abuse  
4 counseling services performed by a person who does not use a title  
5 specified in this chapter and who is one (1) of the following:

- 6 (1) A physician licensed under IC 25-22.5.
- 7 (2) A nurse licensed under IC 25-23.
- 8 (3) A psychologist licensed under IC 25-33.
- 9 (4) A member of the clergy, including a rabbi, priest, or  
10 minister.
- 11 (5) An employee of or a volunteer for a nonprofit corporation  
12 or an organization performing charitable, religious, or  
13 educational functions or providing pastoral counseling or  
14 other assistance.
- 15 (6) A marriage and family therapist, a social worker, or a  
16 mental health counselor licensed under this article.
- 17 (7) A licensed alcohol and drug abuse counselor practicing  
18 under the direct supervision of:
  - 19 (A) a clinical alcohol and drug abuse counselor;
  - 20 (B) a physician licensed under IC 25-22.5; or
  - 21 (C) a psychologist licensed under IC 25-33;
- 22 unless the licensed alcohol and drug abuse counselor conducts  
23 testing for appraisal or evaluation purposes.
- 24 (8) A government employee.
- 25 (9) A student, an intern, or a trainee pursuing a course of  
26 study to gain licensure under this article in an accredited  
27 institution of higher education or a training institution  
28 approved by the board, or a graduate accumulating  
29 experience required for licensure, if the services are  
30 performed under qualified supervision and constitute a part  
31 of the person's supervised course of study or other level of  
32 supervision.

33 (c) An individual who knowingly or intentionally violates  
34 subsection (a) commits a Class A misdemeanor.

35 Sec. 5. (a) A license issued by the board is valid for the  
36 remainder of the renewal period in effect on the date the license  
37 was issued.

38 (b) An individual may renew a license by:

- 39 (1) paying a renewal fee on or before the expiration date of  
40 the license; and
- 41 (2) completing the continuing education requirements  
42 established by the board under IC 25-23.6-2-8.

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(c) If an individual fails to meet the requirements of subsection (b), the individual's license becomes invalid.

Sec. 6. (a) The board may reinstate an expired license up to three (3) years after the expiration date of the license if the individual holding the expired license:

- (1) pays a penalty fee for late renewal;
- (2) pays the renewal fee under section 5(b) of this chapter; and
- (3) completes the continuing education requirement.

(b) If more than three (3) years have elapsed since the date a license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board.

Sec. 7. An applicant may, upon the payment of a fee established by the board, be granted a license if the applicant submits satisfactory evidence to the board that the applicant has been authorized to practice alcohol and drug abuse counseling in another state or country and has qualifications substantially equivalent to those specified in this chapter for the license sought by the applicant.

Sec. 8. (a) This section applies to a licensed:

- (1) clinical alcohol and drug abuse counselor; and
- (2) alcohol and drug abuse counselor.

(b) An individual described in subsection (a) may not practice:

- (1) counseling for the purpose of recovering a memory; or
- (2) hypnosis, unless the counselor is certified under IC 25-20.5.

SECTION 23. IC 25-33-1-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1.1. (a) Except as provided in sections 3(g) and 14(e) of this chapter, this article exempts a person who does not profess to be a psychologist and who is:

- (1) a ~~certified~~ **licensed** marriage and family therapist;
- (2) a ~~certified~~ **licensed** social worker or a ~~certified~~ **licensed** clinical social worker;
- (3) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;
- (4) a licensed or certified health care professional;
- (5) a licensed attorney;
- (6) a student, an intern, or a trainee pursuing a course of study in psychology in an accredited institution of higher education or training institution if the psychology activities are performed under qualified supervision and constitute a part of the person's

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supervised course of study or other level of supervision as determined by the board;

(7) an employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance; ~~or~~

**(8) a licensed alcohol and drug abuse counselor; or**

**(9) any other certified or licensed profession.**

(b) To be exempt under this article, a person described under subsection (a)(1), (a)(2), (a)(4), (a)(5), (a)(6), ~~or~~ (a)(8) **or (a)(9)** must provide services:

(1) within the person's scope of practice and training; and

(2) according to any applicable ethical standards of the person's profession.

SECTION 24. [EFFECTIVE JULY 1, 2004] **(a) As used in this SECTION, "addiction specific education" means educational courses focused on alcohol and drug abuse counseling.**

**(b) As used in this SECTION, "board" refers to the social worker, marriage and family therapist, mental health counselor, and alcohol and drug abuse counselor board established by IC 25-23.6-2-1, as amended by this act.**

**(c) As used in this SECTION, "case presentation examination" means an oral examination that assesses an individual's skill and competence in the application of the core functions of alcohol and drug abuse counseling (as defined in IC 25-23.6-1-3.5, as added by this act).**

**(d) As used in this SECTION, "personal recovery" means an ongoing attempt by an individual to recover from alcohol abuse or drug abuse, or both.**

**(e) As used in this SECTION, "practice of alcohol and drug abuse counseling" has the meaning set forth in IC 25-23.6-1-5.7, as added by this act.**

**(f) As used in this SECTION, "voluntary services in alcohol and drug abuse counseling" means the activities of a group of individuals who voluntarily offer peer support to one another in the process of recovering from alcohol abuse or drug abuse, or both.**

**(g) Notwithstanding IC 25-23.6-12, as added by this act, before July 1, 2006, an individual is not required to obtain a license from the board to practice alcohol and drug abuse counseling.**

**(h) Notwithstanding IC 25-23.6-12, as added by this act, the board established by IC 25-23.6-2-1, as amended by this act, may license an individual as a clinical alcohol and drug abuse counselor**

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if the individual satisfies one (1) of the following:

(1) The individual has demonstrated competency in the field of alcohol and drug abuse counseling as determined by the alcohol and drug abuse counselor section of the board and has:

(A) completed two thousand (2,000) hours of supervised alcohol and drug abuse counseling, including at least fifteen (15) hours in each of the core functions of alcohol and drug abuse counseling;

(B) completed five (5) years of personal recovery and one thousand five hundred (1,500) hours of supervised alcohol and drug abuse counseling;

(C) completed two thousand (2,000) hours of voluntary services in alcohol and drug abuse counseling, including at least fifteen (15) hours in each of the core functions of alcohol and drug abuse counseling;

(D) completed ninety (90) hours of addiction specific education;

(E) passed the case presentation examination; or

(F) passed nationally standardized written and oral examinations in alcohol and drug abuse counseling approved by the board.

(2) The individual has:

(A) a bachelor's degree;

(B) at least three (3) years of experience in alcohol and drug abuse counseling; and

(C) completed a practicum approved by the alcohol and drug abuse counselor section of the board of at least three hundred (300) hours of alcohol and drug abuse counseling.

(3) The individual has:

(A) at least six (6) years of experience in alcohol and drug abuse counseling; and

(B) completed a practicum approved by the alcohol and drug abuse counselor section of the board of at least three hundred (300) hours of alcohol and drug abuse counseling.

(i) This SECTION expires July 1, 2006.

SECTION 25. [EFFECTIVE JULY 1, 2004] (a) As used in this SECTION, "board" refers to the social worker, marriage and family therapist, mental health counselor, and alcohol and drug abuse counselor board established by IC 25-23.6-2-1, as amended by this act.

(b) Notwithstanding IC 25-23.6-2-2, as amended by this act, the

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governor shall appoint the initial clinical alcohol and drug abuse counselor members of the board before September 1, 2004, for terms expiring as follows:

(1) One (1) clinical alcohol and drug abuse counselor member, for a term expiring June 30, 2006.

(2) One (1) clinical alcohol and drug abuse counselor member, for a term expiring June 30, 2007.

(c) Not more than six (6) members of the board may be members of the same political party.

(d) This SECTION expires July 1, 2007.

SECTION 26. [EFFECTIVE JULY 1, 2004] (a) As used in this SECTION, "board" refers to the social worker, marriage and family therapist, mental health counselor, and alcohol and drug abuse counselor board established by IC 25-23.6-2-1, as amended by this act.

(b) Notwithstanding IC 25-23.6-2-10.6, as added by this act, the governor shall appoint the initial alcohol and drug abuse counselor section members of the board before September 1, 2004, for terms expiring as follows:

(1) One (1) clinical alcohol and drug abuse counselor member and one (1) consumer member, for terms expiring June 30, 2006.

(2) One (1) clinical alcohol and drug abuse counselor member and one (1) consumer member, for terms expiring June 30, 2007.

(3) One (1) physician member, for a term expiring June 30, 2008.

(c) This SECTION expires July 1, 2008.

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